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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,208	07/31/2003	Steven G. Slesinski	1-16187	1432

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Marshall & Melhorn, LLC
Attn: Stephen P. Evans, Esq.
8th Floor
Four SeaGate
Toledo, OH 43604

EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,208

Applicant(s)

SLESINSKI, STEVEN G.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10272003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 3-9, 13, and 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 3-9, the limitations that the strip has legs is unclear. It is noted that although the cross-section of the strip of metal material has a first and second leg, the strip of metal itself does not have legs because it is in the form of a ring. The claims must define the legs as being a cross sectional shape of the strip of metal.

Claim 13 recites that the strip is bent in an automated process which contradicts claim 12 which recites manually bending the strip.

Claim 19 recites "said at least one aperture" which lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (3,369,378).

Miller teaches a method for fabricating a driving and locking mechanism for a bearing device, comprising: providing a bearing device **32** having a first end **41** and a second end, the first end **41** having a curvilinear shape, providing a strip of metal material **40** with a pre-determined length, conforming the strip of metal material **40** to the curvilinear shape of the first end **41**, and attaching the strip of metal material **40** to the first end **41** of the bearing device **32**.

5. **Claims 1-5, 9-11, 14, 15, 17, 18, and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by McCormick et al. (4,182,579).

McCormick et al. teach a method for fabricating a driving and locking mechanism for a bearing device, comprising: providing a bearing device **14** having a first end **16** and a second end, the first end **16** having a curvilinear shape, providing a strip of metal (col. 6, lines 1-3) material **20** with a pre-determined length, conforming the strip of metal material **20** to the curvilinear shape of the first end **66**, and attaching the strip of metal material **20** to the first end **66** of the bearing device **14**.

Regarding claim 2, McCormick et al. teach cutting a strip from the length of metal material equivalent to the circumference (col. 6, lines 58-63).

Regarding claims 3-5, the strip has a first leg and a second leg (col. 6, line 58, "L-shaped") wherein the first leg extends radially and the second leg extends axially as shown in fig.

Regarding claim 9, note the aperture 80.

Regarding claims 10 and 11, note the first and second ends 94,96 bent towards each other 92a.

Regarding claims 14-15, the first end 96 contacts and joins the second end 94.

Regarding claim 17, note the gap (fig. 3-4).

Regarding claim 18, at least one mechanical fastener is used to secure the strip to the first end of the bearing device because in col. 5, lines 18-35, McCormick et al. teach that the strip is assembled to the first end of the bearing device. Therefore, the strip is inherently installed with either a machine or by hand. This teaching is considered at least one "mechanical fastener".

6. **Claims 12 and 13** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over McCormick et al.

Although McCormick et al. do not specifically teach that the strip is either bent manually or in an automated process, the strip of metal has to bent either way.

Furthermore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have made the invention of McCormick et al. automatic, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick et al. in view of Hall (5,549,281).

McCormick et al. teach that the bearing device **14** needs to be kept from axial movement with respect to the carrier **12** (col. 1, lines 8-10). However, McCormick et al. do not specifically teach that the bearing device has a first set of threads disposed on a radially outer surface designed to engage with a second set of complementary threads on the carrier.

Hall teaches a bearing device **76** with a first set of threads **60** disposed on a radially outer surface designed to engage with a second set of complementary threads **61** on the carrier **20**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of McCormick et al. with a first set of threads disposed on a radially outer surface designed to engage with a second set of complementary threads on the carrier, in light of the teachings of Hall, in order to securely fasten the carrier to the bearing device.

Regarding claim 8, McCormick et al. teach that the second leg **48** is radially deformed outwardly into a slot formed in the carrier **12**.

9. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick et al.

McCormick et al. teach that the ring segments are retained against separation (col. 5, line

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55-56). However, McCormick et al. do not specifically teach that the ends are joined by welding. Official notice is taken that it was well known in the art to have used welding to join the ends of the strip in order to securely fasten ends together.

10. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick et al. in view of Leister (2,697,622).

McCormick et al. teach the invention cited with the exception of having a mechanical fastener located in at least one aperture in the strip and secured to a first end of the bearing device.

Leister teaches a mechanical fastener **21** located in at least one aperture **24** in the strip and secured to a first end of the bearing device **15'**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of McCormick et al. with a mechanical fastener located in at least one aperture in the strip and secured to a first end of the bearing device, in light of the teachings of Leister, in order to securely fasten the strip to the bearing device.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (703) 306-5965. The examiner can normally be reached on Monday-Friday between 5:30 a.m.-2:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Marc Jimenez
Patent Examiner
AU 3726

MJ

June 10, 2004